

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2107

AN ACT

AMENDING SECTIONS 36-402 AND 41-921, ARIZONA REVISED STATUTES; RELATING TO
HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-402, Arizona Revised Statutes, is amended to
3 read:

4 **36-402. Exemptions**
5 A. This chapter and the rules adopted by the director pursuant to this
6 chapter do not authorize the licensure, supervision, regulation or control
7 of:

8 1. The remedial care or treatment of residents or patients in any home
9 or institution conducted only for those who rely solely on treatment by
10 prayer or spiritual means in accordance with the creed or tenets of any well
11 recognized church or religious denomination.

12 2. Establishments, such as motels, hotels and boarding houses, that
13 provide domiciliary and ancillary commercial services, but do not provide
14 adaptive, medical, hospital, nursing, ~~health-related~~ **HEALTH RELATED** or
15 supervisory care services.

16 3. Private offices and clinics of health care providers licensed under
17 title 32 that are not freestanding urgent care centers, unless:

18 (a) Patients are kept overnight as bed patients or treated otherwise
19 under general anesthesia except when treatment by general anesthesia is
20 regulated by title 32, chapter 11.

21 (b) The office or clinic is an abortion clinic. For the purposes of
22 this subdivision, "abortion clinic" has the same meaning prescribed in
23 section 36-449.01.

24 4. Dispensaries and first aid stations located within business or
25 industrial establishments maintained solely for the use of employees if the
26 facility does not contain inpatient beds and is under the supervision of a
27 physician.

28 5. The collection, processing or distribution of whole human blood,
29 blood components, plasma, blood fractions or derivatives procured, processed
30 or distributed by federally licensed and regulated blood banks.

31 **6. Adult foster care homes certified by the county or the department**
32 ~~pursuant to section 11 293.01 or 36 410.~~

33 **7.** 6. Places where four or fewer adults not related to the
34 administrator or owner receive adult day health services for compensation on
35 a regular basis.

36 **8.** 7. Places at which persons receive health related services only
37 from relatives or from legal guardians or places that do not purport to be
38 establishments that regularly provide health related services and at which
39 one or two persons receive health related services on a twenty-four hour
40 basis.

41 **9.** 8. The Arizona pioneers' home. However, the department of health
42 services shall evaluate the health and sanitation conditions at the Arizona
43 pioneers' home annually using the standards applicable to licensed nursing
44 care institutions.

1 ~~10.~~ 9. The personal residence of a terminally ill person, or the
2 personal residence of that person's relative or guardian, where that person
3 receives hospice services from a hospice service agency.

4 ~~11.~~ 10. All medical and health related facilities and services that
5 are provided to inmates who are confined in a state prison. The state
6 department of corrections shall annually evaluate the medical and health
7 related facilities and services that are provided to inmates to determine
8 that the facilities and services meet the applicable standards that are
9 adopted by the director of the department of health services. The state
10 department of corrections shall report the results of its annual evaluation
11 and the actual findings, including a plan of correction for any deficiencies,
12 to the director of the department of health services. The department of
13 health services shall conduct validation surveys on a percentage of the
14 medical and health related facilities, the number of which shall be
15 determined by the state department of corrections and the department of
16 health services. The director of the state department of corrections shall
17 maintain the annual evaluation reports. This paragraph does not apply to
18 licensed behavioral or mental health inpatient treatment facilities that the
19 state department of corrections operates.

20 ~~12.~~ 11. A facility that provides medical and health services to
21 inmates who are confined in a county jail. The sheriff shall annually
22 evaluate the facility to determine if it meets the applicable standards that
23 are adopted by either a national corrections commission on health care or an
24 American correctional association or the sheriff shall annually submit the
25 facility to a similar separate inspection by an outside agency with medical
26 standards. The sheriff must submit the certificate of accreditation or proof
27 of successful inspection to the department annually and keep a copy of the
28 certificate or proof of inspection.

29 B. A medical and health related facility that provides medical and
30 health services exclusively to persons who are incarcerated, detained or
31 confined under court order or court jurisdiction is exempt from the
32 patient-per-room capacity requirements provided in rule if the facility:

33 1. Does not exceed its intended medical and custodial purposes.

34 2. Adopts policies and procedures to comply with the national
35 commission on correctional health care standards, or equivalent **STANDARDS**.

36 3. As soon as practicable, becomes accredited by the national
37 commission on correctional health care, or **BY AN** equivalent **ORGANIZATION**.

38 4. Once accreditation is obtained, submits a certificate of
39 accreditation to the department of health services annually.

40 5. Maintains a copy of the certificate of accreditation.

41 6. Maintains patient and custodial records, including on-site current
42 photographs and fingerprints, if permitted by applicable law.

43 7. Makes patient lists with inmate identifiers available to the **STATE**
44 department of corrections on reasonable request.

1 8. Provides timely notice of any major incident involving public
2 safety to the appropriate law enforcement agency and ~~allow~~ ALLOWS that agency
3 access to the facility for the purposes of law enforcement and investigation.

4 C. ~~The provisions of~~ Subsection B of this section ~~do~~ DOES not apply to
5 health care institutions that exclusively provide behavioral health services.

6 Sec. 2. Section 41-921, Arizona Revised Statutes, is amended to read:

7 41-921. Establishing home; location

8 A home for aged and infirm Arizona pioneers is established and shall be
9 known as the "Arizona pioneers' home". For purposes prescribed in section 25
10 of the enabling act, the pioneers' home shall be designated as the hospital
11 for disabled miners and shall have the same exemption provided to the
12 pioneers' home pursuant to section 36-402, ~~paragraph 9~~. The home shall be
13 maintained at or near Prescott, Arizona.